



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of )  
Max-I Gurth ) FOR: ROTARY DISC PUMP  
Serial No.: 10/669,566 ) Group  
Filed: September 25, 2004 ) Art Unit: 3745

**PETITION REGARDING ISSUANCE OF NOTICE TO FILE**  
**MISSING PARTS OF APPLICATION**

Mail Stop Missing Parts  
Commissioner for Patents  
P. O. Box 2327  
Arlington VA 22202

Dear Sir:

This Petition is in response to the Notice to File Missing Parts of Application  
- Filing Date Granted under 37 CFR 1.53(d), which was mailed by the Office on  
December 22, 2003.

I hereby certify that this correspondence is being deposited with the  
United States Postal Service as first class mail in an envelope addressed  
to: Commissioner for Patents, PO Box 2327, Arlington, VA 22202 on:

February 5, 2004

(Mailing Date)

Cindy Guido

(Registered Representative)

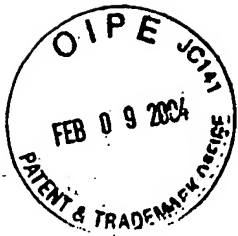
*Cindy Guido*  
(Signature)

February 5, 2004

(Date of Signature)

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It is respectfully submitted that the Office's Notice (form PTO-1532) has been issued in error and that the application requirements of 37 CFR 1.51 and 35 U.S.C. 112 and 111 have been met. It is requested that the subject application be accorded a filing date of September 25, 2003 and that the requirements as listed in the Notice be withdrawn.

In support of this Petition, the following is submitted:

1. Copy of Executed Declaration/Power of Attorney originally submitted with the filing of the application on September 25, 2003; and
2. Copy of the Utility Patent Application Transmittal submitted at time of filing the subject application showing documents enclosed and Patent Office mail room stamp thereon.

Also enclosed with this Petition are:

1. Office's copy of Form PTO-1533; and
2. Return postcard.

#### **REMARKS**

The Office has requested that the executed formal papers be filed in the subject application. Since the signed papers were received by the Office on September 25, 2003, as shown in the enclosures filed herewith, it is respectfully submitted that the Office's Notice to File Missing Parts of Application - Filing Date Granted Under 37 CFR 1.53(d) dated December 22, 2003 was issued in error. Therefore, it is requested that the request for missing parts and the requirements for a surcharge be withdrawn.

Early notification of the decision regarding this Petition is requested.


The Commissioner is hereby authorized to charge the Petition fee of \$130 to deposit account 02-4070 referencing case number 8647-PA04. However, if the Petition fee is charged and the Petition granted, a refund of the Petition fee is requested. Incorporated herein is a Request for Refund of the Petition Fee.

**REQUEST FOR REFUND OF PETITION FEE**

Since this Petition alleges that no defect exists, it is proper to request that any Petition fee charged be refunded. Therefore, it is respectfully requested that upon grant of this Petition, the Petition fee of \$130 (if previously charged) be refunded and credited to our deposit account 02-4070 referencing case number 8647-PA04.

Respectfully submitted,

Dated: Feb 5, 2004

By:   
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